

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LUIS CARDENAS-ORNELAS,

Petitioner,

v.

RENEE BAKER, *et al.*,

Respondents.

Case No. 3:17-cv-00461-MMD-CLB

ORDER

This counseled habeas matter is before the Court on Petitioner Luis Cardenas-Ornelas' Notice of Abandonment of Ground 2 (ECF No. 54) and Motion to Dismiss Ground 2 (ECF No. 55).

On January 31, 2020, the Court found the petition in this action to be mixed, containing both exhausted and unexhausted claims. (ECF No. 53.) The Court informed Cardenas-Ornelas of his three options: (1) file a motion to dismiss seeking partial dismissal of only the unexhausted claims; (2) file a motion to dismiss the entire petition without prejudice in order to return to state court to exhaust the unexhausted claims; and/or (3) file a motion for other appropriate relief, such as a motion for a stay and abeyance asking this Court to hold his exhausted claims in abeyance while he returns to state court to exhaust the unexhausted claims. (*Id.*)

Cardenas-Ornelas filed the notice and motion informing the Court of his intent to dismiss his unexhausted Ground 2 and pursue his remaining claims. No opposition having been filed by Respondents and the time for doing so having expired, Cardenas-Ornelas's Motion to dismiss (ECF No. 55) is granted.

It is therefore ordered that Ground 2 is dismissed without prejudice as unexhausted and by Cardenas-Ornelas's request.

It is further ordered that Respondents will have 60 days to answer the remaining claims of the petition in this case.

1 It is further ordered that Cardenas-Ornelas will have 30 days following service of
2 the answer to file and serve a reply brief.

3 All other instructions set forth in the Court's December 2017 Order (ECF No. 10)
4 remain in effect.

5 DATED THIS 19th day of May 2020.

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MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE